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6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION
10

11 UNITED STATES OF AMERICA,)	No. CR 11-00898- EJD
)	
12 Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER TO CONTINUE HEARING TO
13 vs.)	NOVEMBER 19, 2012, at 1:30 p.m.
)	
14 JOSE MAGAÑA-PENA,)	
)	
15 Defendant.)	
_____)	

16
17 **STIPULATION**

18 The parties, JOSE MAGAÑA-PENA and the government, acting through their respective
19 counsel and subject to the Court's approval, stipulate that the hearing date currently set for
20 October 15, 2012, be vacated and that the Court set a new hearing date of November 19, 2012 at
21 1:30 p.m..

22 The request for the continuance of the hearing is based on the defendant's ongoing
23 investigation. In particular, counsel is in process of obtaining Superior Court records and a
24 change of plea transcript, if available, for a 1999, conviction in the Los Angeles County Superior
25 Court, Long Beach, California. These documents will enable defense counsel to intelligently
26 and effectively represent his client and enable the parties to resolve the matter.

1 The parties further agree and stipulate that for purposes of Speedy Trial Act
2 computations pursuant to Title 18, United States Code, Sections 18 U.S.C. §3161(h)(7)(A) and
3 (B)(iv) time should be excluded from October 15, 2012, through and including November 19,
4 2012, to provide continuity of counsel and to provide defense counsel further time to prepare.
5 Accordingly, Mr. Alvarez-Chavez and the government agree that granting the requested
6 exclusion of time will serve the interest of justice and outweigh the interest of the public and the
7 defendant in a speedy trial.

8 Dated: October 11, 2012

9 _____
10 /s/ Manuel U. Araujo,
Assistant Federal Public Defender

11 Dated: October 11, 2012

12 _____
13 /s/ Ann Marie Ursini,
Special Assistant United States Attorney

~~PROPOSED~~ ORDER

GOOD CAUSE APPEARING, and by stipulation of the parties, IT IS HEREBY ORDERED that the status conference hearing in the above-captioned matter is continued from October 15, 2012, at 1:30 p.m., to November 19, 2012, at 1:30 p.m.

THE COURT FINDS that failing to exclude the time between October 15, 2012 and November 19, 2012, would unreasonably deny the defendant's counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

THE COURT FURTHER FINDS that the ends of justice served by excluding the time between October 15, 2012, and November 19, 2012, from computation under the Speedy Trial Act outweigh the interests of the public and the defendant in a speedy trial.

THEREFORE, IT IS HEREBY ORDERED that the period of delay from October 15, 2012, through and including and November 19, 2012, be excluded for purposes of Speedy Trial Act computations pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

IT IS SO ORDERED.

Dated: October 11, 2012


HONORABLE EDWARD J. DAVILA
United States District Judge